

Statement for the Record

of

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Introduction

Chairman Thompson, Ranking Member King, Members of the Committee, thank you for the opportunity to appear before you today. I am Ken Wainstein, and I served as the Assistant to the President for Homeland Security and Counterterrorism (Homeland Security Advisor) for the last 10 months of the George W. Bush Administration. Prior to that, I spent my career in various positions in the Department of Justice, where I worked on law enforcement and national security matters.

I thank the Committee for holding this important hearing and for its invaluable work over the years to build the homeland security infrastructure that protects our nation and our people.

I applaud the President's decision to undertake a review of the structure of the Homeland Security Council at this time. It is always healthy to step back from time to time and assess whether the organizations we establish and the policy-making mechanisms we implement are meeting both their original purposes and the changing needs that arise from the passage of time and new circumstances. With the benefit of approximately seven years' experience with the post-9/11 organizational changes, this is a particularly appropriate time for conducting such an exercise in the homeland security context. I also applaud those broader efforts -- like that being undertaken by the Project on National Security Reform -- that are examining the overarching structure and approach of our national security system in the 21st century.

The Choice between Functional Separation and Consolidation

I agree with the President's statement that "homeland security is indistinguishable from national security . . . [that] they should be thought of together rather than separately [and that] we must create an integrated, effective, and efficient approach to enhance the national security of the United States." If there was one lesson from the attacks of September 11, 2001, it was that the traditional distinctions between international security and domestic security have lost much of their meaning, and that operations directed against external threats must be synchronized with the effort to defend the homeland.

While it is true that homeland security is part and parcel of national security, it does not necessarily follow that there must be a single, unified coordinating mechanism for both. We can all cite examples where related or overlapping government functions have been consciously and effectively divided among agency components or different agencies altogether. Conversely, the recognition that homeland security is a priority does not necessarily mean that the White House must devote an inter-agency council to that mission, and we can cite numerous high-priority policy matters that are effectively handled within policy councils that have broader portfolios.

There is a natural tension in government organization between the interest in having all relevant operations within a unitary structure and the countervailing interest in separating those operations to ensure that each has its own identity and the resources, support and higher-level attention that often come with that separate identity. I have seen this same issue play out in different contexts at other points in my career. When I served at the FBI, for example, the 9/11 Commission and others were debating whether to recommend keeping the Bureau's intelligence

function consolidated with its law enforcement function or separating it from the Bureau and assigning it to a new agency. Similarly, I participated in the debate whether DOJ's intelligence attorneys and national security prosecutors should remain in separate divisions or be consolidated into a single new division -- an issue that Congress resolved by creating the National Security Division which I ultimately had the honor to lead. Each of these debates highlighted the trade-offs at play when deciding whether to separate or consolidate governmental functions in a unified structure. The organizational issue before the Committee today highlights the same trade-offs.

Purposes Served by the Current Structure

In deciding whether to keep or change the current structure, it is useful to review those areas in which the current structure has been effective. While a more in-depth treatment of these areas can be found in the Homeland Security Policy Institute Task Force Report that was issued yesterday, I see the following as the most consequential purposes served by the HSC since its inception:

- Prioritization of the homeland security mission: The stand-up of the HSC reflected the priority placed on the homeland security mission and sent a clear message that the President was solidly behind the homeland security effort. Notwithstanding the progress made over the past seven years, that symbolism and that message remain important, especially now that economic concerns are capturing much of the political and public attention.
- Development of the homeland security infrastructure: The HSC coordinated and oversaw the growth of myriad homeland security functions that were underdeveloped, nascent or even non-existent prior to 9/11. From critical infrastructure protection strategies to disaster response preparation to presidential transition planning and execution, the HSC has played a central role in coordinating the development and implementation of new or newly-enhanced homeland security operations.
- Development of homeland security expertise within the White House: The stand-up of the HSC allowed the White House to assemble a staff with expertise in those homeland security fields (port security, pandemic planning, disaster response, etc.), some of which understandably did not figure prominently in White House staffing before that time.
- Facilitating the development and maturation of DHS: It was my experience that DHS benefited from having an inter-agency council and staff that were dedicated to its core mission. The existence of the HSC in the White House reinforced the priority placed on the Department's success, helped DHS work through difficult interdisciplinary issues with other agencies and departments, and kept its issues and concerns on the President's agenda. While that support was necessary in the Department's earlier years, it is conceivably less important now that DHS is more established.

- Division of labor with the NSC: The existence of the HSC also has served a very practical purpose -- which is to relieve the National Security Advisor of the responsibility of overseeing the homeland security build-up and to prevent the NSC from being distracted from its more traditional agenda matters. This benefit has not receded in importance over the years; if anything, it is becoming increasingly important with the continued growth of the homeland security infrastructure.

I cite these benefits not to suggest that they will continue to accrue only if the current HSC structure remains in place; but rather, to ensure that they are considered in the process of deciding whether and how to reconfigure that structure.

Prerequisites for an Effective Structure

My experience as Homeland Security Advisor impressed me with the vast breadth and magnitude of the homeland security mission, and left me firmly convinced that the White House must exercise a strong coordinating role among the varied players that share that mission. I therefore believe that any new homeland security policy coordinating structure should meet the following prerequisites:

- The person serving the function of the Homeland Security Advisor, no matter that person's title, should be vested with the requisite authority and stature to coordinate and broker agreement among Cabinet officers and departments.
- The Homeland Security Advisor should have sufficient access to the President to brief the President on threat situations on short notice and also generally to keep the President apprised of and engaged in homeland security matters.
- The inter-agency process devoted to homeland security issues, no matter whether conducted under the HSC or under a combined entity, should have the same status as that devoted to national security issues, and should be fully empowered to secure cooperation and collaboration among agencies and mediate the differences that inevitably arise.
- Those within the new structure -- and in particular the Homeland Security Advisor and his or her NSC counterpart(s) -- will need to work cooperatively and collegially in those areas of shared or overlapping responsibilities between the homeland and national security portfolios.
- And, the White House should devote the resources necessary to build and maintain a homeland security staff with the requisite expertise and size to handle the vast homeland security portfolio.

Any organizational model that follows these operating principles has the potential both to maintain the priority of homeland security and to build upon the performance of the HSC under its current structure.

Conclusion

I thank the Committee for soliciting my views on this important subject, and I applaud you for holding this hearing. Your concern about this subject is a strong reminder that homeland security is -- and must remain -- a front-burner issue, and it helps to ensure that the homeland security coordinating structure of the future will be strong, effective and recognized by all as a critically important piece of our national security apparatus.

Thank you again, Mr. Chairman and Ranking Member King, and I look forward to answering any questions that you may have.